

Application № 10/675,081
Reply to Office Action of October 26, 2007

AMENDMENTS TO THE DRAWINGS

One (1) replacement sheet of Figure 5 is attached following page 23 of this paper.

Fig. 5 has been amended to correctly show that the first party 501 performs step C, in accordance with the disclosure in ¶ 64 of the present application. The Applicant submits that no new matter has been added by the Replacement Sheets of Figure 5.

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REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1-4, 7-14, 17-24, 27, and 30-31 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

The Examiner has objected the listing of references in the specification. The disclosure has been objected to because of informalities. The specification is also objected to for allegedly failing to provide proper antecedent basis for claim 31. Figure 5 of the drawings has been objected to.

Claims 1-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of co-pending application № 10/675,489, in view of US Patent Publication № 2001/0018771, issued to Walker et al. (“Walker”). Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker. The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Information Disclosure Statement

The Examiner states the following in page 2 of the Office Action:

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated reference (Attorney Docket No. 14276US02) is disclosed in paragraph [36] of the specification.

The Applicant points out that it is believed that none of the references cited in the cross-reference section (or any other section that incorporates an application by reference) of the present application qualify as prior art to the present application. In instances where a cross-reference section was used (or any other section which incorporates an application by reference), the Applicant points out that the Examiner was simply being notified of applications that may be considered related to the present application (e.g., including at least one common inventor and/or a common disclosure with the present application). Therefore, it is believed that none of the references cited in the cross-reference section (or in any other section that incorporates by reference) need be cited in an IDS.

II. Specification

The Specification was objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. The Applicant respectfully disagrees and points out that the various types of processors stated in claim 31

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are stated in paragraph 86 of the specification. In addition, the Applicant submits that it is known in the art what the terms “media peripheral”, “computer”, and a “storage system” mean. Therefore, the Applicant submits that there is no need for further clarification of the terms “media peripheral processor”, “computer processor”, and a “storage system processor.” With regard to the terms “media processing system (MPS)” and “media exchange software (MES)”, the Applicant submits that the specification is sufficiently informative as to the meaning of these terms. For example, the Examiner is referred to Figures 1-3 and the corresponding description in paragraphs 27-59 for additional information on what is meant by “media processing system (MPS)” and “media exchange software (MES)”. Obviously, a “media processing system (MPS) processor” and a “media exchange software (MES) processor” would be a processor that performs one or more of the functionalities of a “media processing system (MPS)” and a “media exchange software (MES)”, as already described in the specification.

The Applicant has amended ¶¶ 01-02 and 45, as set forth above, to overcome the objection to the specification.

The Applicant respectfully requests that the objections to the Specification be withdrawn.

III. Drawings

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The drawings are objected to because of informality in Figure 5. The Applicant has amended Figure 5 and submits the amended figure as a Replacement Sheet. No new matter has been submitted with the attached Replacement Sheet.

IV. Double Patenting

Claims 1-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of co-pending application № 10/675,489, in view of US Patent Publication № 2001/0018771, issued to Walker et al. (“Walker”). The Applicant is submitting herewith a terminal disclaimer to overcome the double patenting rejection.

REJECTION UNDER 35 U.S.C. § 102

V. Walker Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Walker. With regard to the anticipation rejections under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical

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invention must be shown in as complete detail as is contained in the ... claim."

See id. (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Walker does not disclose or suggest at least the limitation of "delivering the broadcast television program along with at least one synchronized functionality associated with the broadcast television program, the broadcast television program and said at least one synchronized functionality for display on a television screen within a home, said at least one synchronized functionality comprising at least one user-selectable option," as recited by the Applicant in independent claim 1.

The Office Action states the following:

With respect to Claim 1, the claimed "delivering the broadcast television program for display on a television screen within a home" is met by Walker et al. that teach a system in which broadcast television programs are delivered to a television receiver 30 which displays the received content to a viewer 80 (Fig.1 and paragraph [0042]).

See the Office Action at page 8. The Examiner relies for support on Figure 1 and ¶ 0042 of Walker. Walker discloses that a television receiver 30 may receive a video program from a video source 10 and display the received video program to

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the viewer 80. See Walker at FIG. 1 and ¶ 0041. Walker also discloses that the viewer 80 may access supplemental information separately via the web server 70. The supplemental information is then sent (separately from the video broadcast by the video source 10) to the viewer 80 in the form of a web page for display on the personal computer 40. In this regard, Walker does not disclose or suggest that the broadcast television program is delivered along with at least one synchronized functionality associated with the broadcast television program, as recited in Applicant's claim 1. With regard to the video program sent from the video source 10, Walker discloses that program identification information 30 and synchronization information 32 may also be communicated to the viewer 80. The viewer 80 then provides the received information 30 and 32 to the web server in order to obtain the supplemental information. In this regard, the video program received from the video source 10, including the identification information 30 and the synchronization information 32, does include any user-selectable options, as recited by the Applicant in claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Walker does not disclose or suggest at least the limitation of "receiving an input from a user that selects at least a portion of said at least one synchronized functionality," as recited by the Applicant in independent claim 1. The Applicant points out that there is no interaction between the user 80 of Walker and any synchronized functionality received along with the

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video program from the video source 10, including the identification information 30 and the synchronization information 32. For example, the user 80 does not provide any input for purposes of selecting at least a portion of the at least one synchronized functionality, as recited in Applicant's claim 1.

Accordingly, independent claim 1 is not anticipated by Walker and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Walker has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 28-JAN-2008

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